

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TABERNA CAPITAL MANAGEMENT, LLC,	:	District Court Case No.:
	:	08 CV 1817 [JSR]
Plaintiff,	:	
	:	
- against -	:	
	:	
SIDNEY B. DUNMORE, MICHAEL A. KANE,	:	
and DHI DEVELOPMENT f/k/a DUNMORE	:	
HOMES, LLC,	:	
	:	
Defendants.	:	

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**AFFIRMATION OF SIDNEY B. DUNMORE IN SUPPORT OF HIS MOTION TO (1)  
DISMISS FOR LACK OF PERSONAL JURISDICTION; OR IN THE ALTERNATIVE,  
(2) TO DISMISS OR TRANSFER FOR IMPROPER VENUE; OR IN THE  
ALTERNATIVE, (3) TO TRANSFER FOR CONVENIENCE TO THE UNITED STATES  
DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION**

I, Sidney B. Dunmore, declare as follows:

1. I have personal knowledge of the facts set forth in this Affirmation, and if called as a witness, I could and would testify completely to such facts under oath.
2. I am a named Defendant in the above-referenced action, and President of Defendant DHI Development, a California corporation ("DHI"), f/k/a Dunmore Homes, LLC, which was a California limited liability company. DHI's corporate offices are located in Granite Bay, California. Prior to DHI, Dunmore Homes also maintained its corporate offices in California.
3. I am making this Affirmation in support of my Motion To (1) Dismiss For Lack Of Personal Jurisdiction; Or In The Alternative, (2) To Dismiss Or Transfer For Improper

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Venue; Or In The Alternative, (3) To Transfer For Convenience To The United States District Court For The Eastern District Of California Sacramento Division (the "Motion").

4. I am a resident of Granite Bay, California, and for my entire life, have been a resident of cities in and around Sacramento, California. I have never been a resident of any state other than California.

5. To my knowledge, Defendant Kane is a resident of Gold River, California.

6. I am a real estate developer, with more than 35 years of experience developing real estate throughout California and Nevada. I am a Life Director and past president of the California Building Industry Association, and also a Life Director and past president of the Building Association of Superior California (now known as "North State BIA"). In addition to this, previously I served as a Director of the National Association of Home Builders; in 1992 I served as the President of the Pacific Coast Builders' Conference; and in 1994 I was inducted into the California Building Industry Hall of Fame. I am proud of the fact that I was then (and still am) the youngest California builder to ever receive this prestigious award. I have never engaged in the development of any real estate in New York.

7. I do not conduct regular, systematic and continuous local activity in New York, nor have I purposefully directed my business or personal activities in New York. I did not solicit any business in New York; nor have I transacted any business in New York. I have no bank accounts in New York, nor real property in New York. I have never been present in New York with a fair measure of permanence and continuity and have only visited New York once for a one hour delay while waiting to re-fuel an airplane on a flight from Europe to Sacramento in or about late July of 2005. In addition to the foregoing, I did not and do not contract anywhere to supply goods or services in New York. In fact, I do not maintain any offices, employees or professionals outside of California, nor do I maintain any files or documents in New York.

Finally, I do not engage in any other persistent course of conduct, or derive substantial revenue from goods used or consumed or services rendered, in the state of New York. Simply put, I live and work in California as a professional real estate developer.

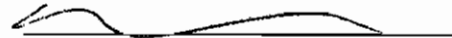
8. In September 2007, DHI was sold to Dunmore Homes, a New York corporation for the sum of \$500.00.

9. I am not a party to the contract sued upon in the Complaint. I executed the contract on behalf of DHI, as its president, at DHI's offices in California.

10. The location of any prospective witnesses and documents in connection with the contract sued upon and the allegations set forth in the Complaint are all located in California, and most if not all are in Sacramento.

**WHEREFORE**, I respectfully request that the Court grant the Motion, as well as such other further relief as may be just and proper.

Executed on March 7, 2008, at Sacramento, California. I declare under penalty of perjury under the law of the State of New York that the foregoing is true and correct.

  
Sidney B. Dunmore

LEVENE, NEALE, BENDER, RANKIN &  
BRILL L.L.P.

David L. Neale (DN 1948/CA State Bar No.  
141225)

Beth Ann R. Young (CA State Bar No.  
143945) (Pro Hac Pending)

Michelle S. Grimberg (CA State Bar No.  
217327) (Pro Hac Pending)

10250 Constellation Boulevard, Suite 1700  
Los Angeles, California 90067

Telephone: (310) 229-1234

Facsimile: (310) 229-1244

Attorneys for Defendant Sidney B.  
Dunmore